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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,156

12/15/2003

Dale Sider

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22907

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05/04/2005

BANNER & WITCOFF

1001 G STREET N W

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WASHINGTON, DC 20001

EXAMINER

LAI, ANNE VIET NGA


ART UNIT

PAPER NUMBER

2636

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/734,156	SIDER, DALE 	
	Examiner	Art Unit	
	Anne V. Lai	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 9-15 are rejected under 35 U.S.C. 102(e) as being anticipated by **Van Bosch et al** [US. 6,693,535].

In claim 9, **Van Bosch et al** disclose a method of preventing injury or death to an occupant within a vehicle comprising the steps of: determining if a temperature within a portion of the vehicle is critical (204, fig. 3; 406, fig. 4); detecting whether there is motion within a portion of the vehicle (206, fig. 3; 404, fig. 4; col. 4, lines 17-22); and if a temperature is critical and motion is detected within the vehicle, initiating a rescue sequence including the step of placing an automated telephone call to a predetermined phone number (420, fig. 4; col. 3, lines 5-31; col. 6, lines 8-55).

In claims 10-13, **Van Bosch et al** disclose successive automated telephone calls to different pre-designated phone numbers (vehicle operator and call center) with global positioning data (302, 304, fig. 3; 418, 420, fig. 4; col. 4, lines 44-65).

In claim 14, **Van Bosch et al** disclose activating a climate control system within the vehicle (306, 308, fig. 3; 408, fig. 4; col. 4, lines 32-43).

In claim 15, **Van Bosch et al** disclose automatically sending electronic images captured from within the vehicle (414, 416, fig. 4; claim 2)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Van Bosch et al** in view of **Basson et al** [US. 6,792,339].

In claims 1, 5-7, 16 and 18-19 **Van Bosch et al** disclose a method of preventing injury or death to an occupant within a vehicle comprising the steps of: determining if a temperature within the vehicle is critical (204, fig. 3; 406, fig. 4); detecting whether there is motion within a portion of the vehicle (206, fig. 3; 404, fig. 4; col. 4, lines 17-22); and if a temperature is critical and motion is detected within the vehicle, initiating a rescue sequence including the step of lowering the window (306, fig. 3) and making a plurality of automated telephone calls (vehicle operator and call center) with global positioning data (112, 110, fig. 1; 418, 420, fig. 4; col. 3, lines 5-31; col. 4, lines 44-65; col. 6, lines 8-55).

Van Bosch et al fail to disclose unlocking the vehicle door. **Basson et al** teach a method of preventing injury or death to an occupant within a vehicle comprising determining if a temperature within the vehicle is critical, detecting state of an occupant within the vehicle and if the temperature gets too hot or too cold inside the vehicle,

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automatically calling certain pre-designated phone numbers (vehicle owner, emergency call center, GPS, 418-420, fig. 4), opening the window to remedy undesirable condition, and unlocking or opening the door to let out the occupant of the vehicle (col. 2, lines 32-49; col. 4, lines 42-52). It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the door unlocking function as taught by Basson et al to the method of Van Bosch et al to increase the life safety of the vehicle occupant.

In claims 2-4, 8 and 17 **Van Bosch et al** disclose sounding a car horn 410, audible alarm 412, sending a recorded message 420 and wirelessly transmitting an electronic image produced within the vehicle 416 (fig. 4; col. 6, lines 37-55; claim 2).

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Van Bosch et al** and **Basson et al** in view of **Hyman** [US. 2003/0169162].

In claim 20 Bosch and Basson do not specify the flashing light alarm, **Hyman** teaches a method of preventing injury or death to an occupant within a vehicle by detecting extreme temperature and presence of an occupant within a vehicle, if the two conditions are met, automatically sounding the vehicle horn, flashing the vehicle light and providing verbal alert to nearby people ([0017], [0018], [0032]). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to use all potential alarms within a vehicle including audio, video and light to increase the effectiveness of the rescuing function.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pelletier discloses a motor vehicle occupancy and high temperature alarm module. [US. 6,737,975]

McCarthy et al disclose a vehicle compartment occupancy detection system. [US. 6,768,420]

Rossi discloses a warning system for detecting presence of a child in an infant seat. [US. 6,104,293]

Johnston discloses a multiple sensor heat alarm. [US. 2005/0040942] (filed Aug. 22, 2003).

Arndt et al disclose measures for averting danger for living beings in motor vehicles. [US. 2005/0038582]

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 8:00 am to 5:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NL
A. V. Lai
April 29, 2005


JEFFERY HOFSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600